

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,
Plaintiff,

v.

CRIMINAL ACTION
NO. 01-80571-5

EUGENE MITCHELL, a/k/a Water, a/k/a
Chrishon Rolle

Defendant.

PLEA HEARING

BEFORE THE HONORABLE JOHN CORBETT O'MEARA
United States District Judge
Ann Arbor U.S. Courthouse & Federal Building
200 East Liberty
Ann Arbor, Michigan
Thursday, September 6, 2007

APPEARANCES:

WILLIAM J. SAUGET
REGINA R. MCCULLOUGH
United States Attorneys Office
211 West Fort Street
Detroit, Michigan 48226
(313) 226-9618
On behalf of the Government.

ANTHONY T. CHAMBERS
220 West Congress
Suite 500
Detroit, Michigan 48226
(313) 964-4801
On behalf of the Defendant.

- - -

TO OBTAIN CERTIFIED TRANSCRIPT:
Andrea E. Wabeke, CSR, RMR, CRR
Official Court Reporter
734.741.2106

I N D E X**Proceeding****Page**

Plea Hearing.....

3

E X H I B I T S**Exhibit No.****Offered****Received**

Plea hrg.

9/6/2007

3

Ann Arbor, Michigan

September 6, 2005

4:37 p.m.

— — —

THE CLERK: Court calls United States of
America versus Eugene Mitchell.

THE COURT: Counsel please put their
appearances on the record. Mr. Sauget.

MR. SAUGET: Good afternoon, your Honor.
May it please the Court, William Sauget, along with
Regina McCullough, Assistant United States Attorneys,
appearing on behalf of the Government.

THE COURT: Welcome to both of you.
Mr. Chambers.

MR. CHAMBERS: Good afternoon, your Honor.
Anthony Chambers on behalf of Mr. Mitchell, who's
standing to my left.

THE COURT: Mr. Mitchell is standing there.
If you could approach the lectern, apparently -- both
of you do that. We're here this afternoon, as I
understand it, Mr. Sauget, anticipating a possible
guilty plea by Mr. Mitchell to one or more counts of
the second superseding indictment; is that right?

MR. SAUGET: That is correct, your Honor.

THE COURT: By this reference, I make the

Plea hrg.

9/6/2007

4

1 second superseding indictment, a Rule 11 Plea
2 Agreement I've been handed, and a guilty plea
3 questionnaire part of the record in this case.

4 Are there any other documents which should
5 be part of the record, from the point of view of the
6 Government?

7 MR. SAUGET: No, your Honor.

8 MR. CHAMBERS: No, your Honor.

9 THE COURT: Very well then. Would you
10 please inform the Defendant and place on the record
11 the charges against him to which he is apparently
12 willing to plead guilty?

13 MR. SAUGET: Yes, your Honor. The Defendant
14 will be pleading guilty to Count 1 of the second
15 superseding indictment, which is a conspiracy to
16 distribute more than 50 grams of cocaine base, in
17 violation of Title 21 Section 846. That particular
18 offense carries with it a mandatory minimum sentence
19 of not less than ten years, and up to life
20 imprisonment and/or a four million dollar fine.

21 With regard to the second count, the
22 Defendant is pleading guilty to -- he's pleading
23 guilty to an intentional killing in violation of Title
24 21 Section 848(e)(1)(A) and 18 U.S.C. Section 2.
25 That particular offense carries with it a mandatory

Plea hrg.

9/6/2007

5

1 minimum of not less than 20 years and up to life
2 imprisonment and I believe up to a two million dollar
3 fine and if I didn't speak to the first fine on Count
4 1 that carries with it up to a four million dollar
5 fine, your Honor.

6 THE COURT: The second count to which
7 Mr. Mitchell is willing to plead guilty is Count 3?

8 MR. SAUGET: Count 6, I believe, your Honor,
9 of the second superseding indictment, the intentional
10 killing of Misha Howard (sic.), otherwise known as
11 Deandre Dorsey (sic.).

12 THE COURT: So what we anticipate is Counts
13 1 and 6?

14 MR. SAUGET: Correct, your Honor.

15 THE COURT: Very well. Would you please
16 swear the Defendant.

17 (Defendant sworn)

18 THE COURT: And let me ask Mr. Chambers if
19 the Government's recitation of the charges to which
20 Mr. Mitchell is apparently willing to plead guilty, if
21 it's accurate and adequate to inform Mr. Mitchell of
22 those charges?

23 MR. CHAMBERS: Yes, it is your Honor.

24 THE COURT: Very well. Would you please
25 swear the Defendant -- you just did. Okay. Don't do

Plea hrg.

9/6/2007

6

1 it again.

2 Mr. Mitchell, would you give us your full
3 name please?

4 THE DEFENDANT: Eugene Mitchell.

5 THE COURT: Any aliases, ever use any other
6 names?

7 THE DEFENDANT: LaShawn Lew and David Lamar
8 Mitchell.

9 THE COURT: Anything else?

10 THE DEFENDANT: No, sir.

11 THE COURT: How old are you?

12 THE DEFENDANT: 35.

13 THE COURT: How far did you go in school?

14 THE DEFENDANT: Eleventh grade.

15 THE COURT: Do you read, write and
16 understand English okay?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Do you understand me okay?

19 THE DEFENDANT: Yes.

20 THE COURT: You, today I believe, filled out
21 the guilty plea questionnaire. I have a copy of it
22 here. Did you have Mr. Chambers with you when you
23 filled that out?

24 THE DEFENDANT: Yes, your Honor.

25 THE COURT: Have you ever been treated for

Plea hrg.

9/6/2007

7

1 mental illness?

2 THE DEFENDANT: No, sir.

3 THE COURT: Are you presently under the
4 influence of any drug medication or alcoholic
5 beverage?

6 THE DEFENDANT: No, sir.

7 THE COURT: I'd like to start with
8 Mr. Chambers and ask him if based upon his association
9 with Mr. Mitchell, he believes him to be competent?

10 MR. CHAMBERS: I do.

11 THE COURT: Do you, Mr. Sauget, whatever
12 association you've had?

13 MR. SAUGET: I've had the opportunity to
14 speak with Mr. Mitchell previously in a debriefing
15 session, and I do find he is competent today, your
16 Honor.

17 THE COURT: And Mr. Mitchell, you know what
18 we're talking about, it's whether you understand
19 exactly what's going on here and if you decide to
20 plead guilty, you'll know exactly what you're doing.
21 Do you believe you're competent in that way?

22 THE DEFENDANT: Yes, your Honor.

23 THE COURT: Very well. You covered these
24 things in the plea agreement, but I'd like the record
25 to reflect them, and I'd like to say them again so

Plea hrg.

9/6/2007

1 that if you have any questions about them, you can ask
2 the questions.

3 You're entitled to an attorney during all
4 stages of the proceedings here, and I'll appoint one
5 for you if you can't afford one. You have the right
6 to plead not guilty to every charge filed against.
7 You have the right to a speedy and public trial by
8 jury, and to be presumed innocent unless the
9 Government proves you guilty beyond a reasonable doubt
10 by the unanimous agreement of all 12 members of a
11 jury.

12 You have the right to see and hear all
13 witnesses called to testify against you and the right
14 to cross examine them. And you have the right to have
15 me order witnesses you may want for your defense to
16 appear at trial at Government expense.

17 Finally, you have the right to take the
18 witness stand or not as you choose. You can't be
19 required to take the witness stand. If you don't take
20 the witness stand, your silence can't be used against
21 you in any way.

22 Do you understand that?

23 THE DEFENDANT: Yes, your Honor.

24 THE COURT: Do you wish to waive or give up
25 these rights and plead guilty?

Plea hrg.

9/6/2007

9

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Do you understand that the
3 offenses to which you're apparently willing to plead
4 guilty are felony offenses, and if you plead guilty
5 and I accept your plea, you'll be convicted of those
6 offenses and that will affect, in a negative way, your
7 right to vote, the right to hold public office, the
8 right to serve on a jury and the right to possess
9 firearms.

10 Do you understand that?

11 THE DEFENDANT: Yes, your Honor.

12 THE COURT: Would you then, Mr. Sauget,
13 recite, at least to the extent you haven't already,
14 the criminal penalties implicated by guilty pleas
15 here.

16 MR. SAUGET: Yes, your Honor. Again, as to
17 Count 1 of the second superseding indictment,
18 Defendant is confronting a mandatory minimum of ten
19 years imprisonment, and up to life imprisonment and/or
20 a four million dollar fine. And with regard to Count
21 6, the intentional killing, he is looking at a
22 mandatory minimum of 20 years up to life imprisonment
23 and/or a two million dollar fine.

24 THE COURT: Is that accurate from your point
25 of view, Mr. Chambers? Is it adequate to inform your

Plea hrg.

9/6/2007

10

1 client of those penalties?

2 MR. CHAMBERS: Yes, it is, and we've
3 discussed them.

4 THE COURT: Supervised release would
5 certainly be part of any custody part of the sentence,
6 and if you had got supervised release, there would be
7 conditions. Do you understand if you violated those
8 conditions, you could be given additional prison time?

9 THE DEFENDANT: Yes, your Honor.

10 THE COURT: Do you understand there by
11 statute there is a special assessment of \$100 for the
12 conviction of a felony. There are two of them here,
13 which they are anticipating you might plead guilty to.
14 If you did plead guilty, that would be a total of
15 \$200?

16 THE DEFENDANT: Yes, your Honor.

17 THE COURT: Are you on probation or parole
18 in any other court?

19 THE DEFENDANT: No, sir.

20 THE COURT: Have you and Mr. Chambers talked
21 about how the sentencing guidelines might apply in
22 this case?

23 THE DEFENDANT: Yes, your Honor.

24 THE COURT: And you understand I wouldn't be
25 able to place you on the grid for the sentencing

Plea hrg.

9/6/2007

11

1 guidelines in any final way until after I have a
2 presentence investigation report from the probation
3 department?

4 THE DEFENDANT: Yes.

5 THE COURT: And do you understand that there
6 are other things the Court must consider, which are
7 set out in a provision of the law called 3553(a), a
8 whole lot of things about you and the crime and the
9 impact on the public and everything else. I have to
10 consider those as a matter of law before I impose a
11 sentence, do you understand that?

12 THE DEFENDANT: Yes.

13 THE COURT: Is that a yes?

14 THE DEFENDANT: Yes, your Honor.

15 THE COURT: I have a little bit of a deficit
16 of hearing sometimes. Have you read the indictment,
17 at least the parts in Count 1 and 6 and discussed it
18 with Mr. Chambers?

19 THE DEFENDANT: Yes, your Honor.

20 THE COURT: Would you please then,
21 Mr. Sauget, inform the Defendant and place on the
22 record the essential elements of the charges to which
23 he's apparently willing to plead guilty.

24 MR. SAUGET: Very well, your Honor. We have
25 outlined them in the Rule 11 Plea Agreement starting

Plea hrg.

9/6/2007

1 in Paragraph B on Page 2. With regard to Count 1 of
2 the second superseding indictment, the following
3 elements are applicable:

4 That the Defendant entered into an agreement
5 with other persons to distribute, that is, to transfer
6 cocaine and cocaine base otherwise known as crack
7 cocaine; that cocaine is a Schedule II controlled
8 substance; that the Defendant, along with other
9 members of the conspiracy, knowingly distributed more
10 than 50 grams but less than 150 grams of cocaine base
11 which is otherwise known as crack cocaine;

12 That this activity occurred from at least
13 1996 until June of 2001; and that some of the
14 distribution activity occurred in the Detroit
15 metropolitan area, which is located in the Eastern
16 District of Michigan.

17 THE COURT: Let's stop right there and see
18 if that is adequate and accurate from the Defendant's
19 point of view with regard to Count 1 of the second
20 superseding indictment?

21 THE DEFENDANT: Yes, your Honor.

22 THE COURT: I notice that the elements
23 following are elements of Count 2, which I take it is
24 a typographical or at least --

25 MR. SAUGET: It is a typographical error.

Plea hrg.

9/6/2007

1 It should be Count 6. That would be the second count
2 the Defendant is pleading guilty to. That should read
3 Count 6 of the second superseding indictment, your
4 Honor.

5 THE COURT: Well, I will order that the --
6 first of all, I'll ask if the Defendant agrees that it
7 should be Count 6, and we can correct the Rule 11 Plea
8 Agreement.

9 MR. CHAMBERS: We do, your Honor. It's
10 simply a typographical.

11 THE COURT: So ordered. And starting --
12 where are we?

13 MR. SAUGET: Page 2, your Honor.

14 THE COURT: Guilty pleas A, B, and we're
15 down at the bottom of Page 2. That will be changed to
16 reflect the elements of Count 6. Do you have them
17 available so that you can read what they are?

18 MR. SAUGET: Yes, your Honor. And as
19 reflected on that Page 2, that the Defendant engaged
20 in an offense punishable under Title 21 United States
21 Code Sections 841(b)(1)(A), specifically, a conspiracy
22 to distribute cocaine and more than 50 grams of
23 cocaine base as described in Count 1 of the second
24 superseding indictment; two, that while the Defendant
25 was engaging in the conspiracy to distribute

Plea hrg.

9/6/2007

1 cocaine -- more than 50 grams of cocaine base, the
2 Defendant intentionally planned the killing of Misha
3 Deandre Dorsey, also known as Deandre Howard; and
4 three, that the Defendant did in fact kill and murder
5 Misha Deandre Dorsey, also known as Deandre Howard,
6 and that this activity occurred in the Detroit
7 metropolitan area, which is located in the Eastern
8 District of Michigan.

9 THE COURT: All right. With the amendment
10 that we mentioned, Mr. Chambers, are those the
11 accurate elements of the offense in Count 6 and are
12 they adequate to inform your client of those elements?

13 MR. CHAMBERS: Yes, your Honor, they are.

14 THE COURT: Having heard all of this,
15 Mr. Mitchell, how do you plead to the charges against
16 you in Count 1 of the second superseding indictment,
17 that is the charges that you engaged in a conspiracy
18 to possess with intent to distribute and to distribute
19 controlled substances, being cocaine and marijuana,
20 how do you plead, guilty or not guilty?

21 THE DEFENDANT: Guilty.

22 THE COURT: And how do you plead to the
23 charges in Count 6 of that second superseding
24 indictment, that you engaged in intentional killing,
25 aiding and abetting and intentional killing, how do

Plea hrg.

9/6/2007

15

1 you plead, guilt or not guilty?

2 THE DEFENDANT: Guilty.

3 THE COURT: And are you pleading guilty to
4 these charges in Counts 1 and 6 because in fact you
5 are guilty?

6 THE DEFENDANT: Yes, your Honor.

7 THE COURT: The Rule 11 Plea Agreement I've
8 been given, which is part of the record, has a number
9 of signatures on Page 15 of this agreement. One of
10 them appears to be yours. Did you sign this agreement
11 on Page 15?

12 THE DEFENDANT: Yes, your Honor.

13 THE COURT: And is your willingness to plead
14 guilty here this afternoon at least partly because you
15 and Mr. Chambers were able to negotiate this agreement
16 with the Government?

17 THE DEFENDANT: Yes, your Honor.

18 THE COURT: Would you please state the
19 relevant terms of that agreement, Mr. Sauget?

20 MR. SAUGET: Very well, your Honor. I've
21 already indicated what the penalties are for the
22 offense of Page 1 of that agreement. I've also
23 indicated that the Defendant is pleading guilty to
24 Counts 1 and 6 of the second superseding indictment.
25 We have set forth the various elements of those

Plea hrg.

9/6/2007

16

1 offenses for the Court on Pages 2 and 3.

2 Starting on Paragraph 3C on Page 3, we've
3 set forth the factual basis for each of those
4 particular crimes, your Honor. I would indicate to
5 the Court that with regard to the intentional killing,
6 that carries a guideline sentence of life
7 imprisonment, three points for acceptance of
8 responsibility pursuant to the comments section of the
9 guidelines are unapplicable, that is to say that it
10 stays at a level 43.

11 We've placed various factors with regard to
12 the relevant conduct on Page 6, Paragraph C, and
13 specifically that the Defendant is stipulating that at
14 least 50 grams but less than 150 grams of cocaine base
15 was involved in the conspiracy; and that the victim
16 was killed under circumstances that would constitute
17 murder under 18 U.S.C. 1111 had such killing taken
18 place within the territorial or maritime jurisdiction
19 of the United States.

20 As I've indicated, there is a mandatory
21 minimum sentence with regard to Count 1 and that is
22 ten years. The Defendant will be subjected to a
23 period of supervised release subsequent to his period
24 of release from confinement of no less than five
25 years. As the Court has indicated, the Defendant is

Plea hrg.

9/6/2007

17

1 going to be required to pay a special assessment of
2 \$200. There is no agreement as to the fine.

3 I would advise the Court that this is a full
4 cooperation plea agreement, that in the event the
5 Defendant continues his cooperation -- and I should
6 submit for purposes of this record that the Defendant
7 has already cooperated, and I see no reason as to why
8 we wouldn't be making the appropriate motion under
9 Section 5K1.1 of the sentencing guidelines.

10 But notwithstanding that, if he continues
11 his cooperation and that cooperation amounts to
12 substantial assistance in the prosecution of others,
13 at the time of sentencing, the Government would
14 recommend that the Court depart downward from that
15 sentencing guideline range of life and sentence the
16 Defendant to a period of 300 months or 25 years
17 imprisonment.

18 With regard to that recommendation, the
19 parties have agreed that in the event the Court
20 sentences the Defendant to more than 25 years, the
21 Defendant reserves the right to appeal that sentence.
22 And in like fashion, should the Court sentence the
23 Defendant to less than 25 years, the Government would
24 reserve its right to appeal that sentence.

25 I would also point out for purposes of the

Plea hrg.

9/6/2007

18

1 record, that intentional killing count also has a
2 statutory mandatory minimum of 20 years, and the
3 Government is not waiving that provision under Section
4 3553(e) of the guidelines.

5 I believe that pretty much incorporates the
6 more significant portions of the plea agreement. I
7 would however defer to Defense counsel if there has
8 been something that has been omitted.

9 THE COURT: Yes, Mr. Chambers, is this an
10 accurate recitation of the relevant terms of the plea
11 agreement or is there something you'd like to add or
12 modify?

13 MR. CHAMBERS: No. I believe it's an
14 accurate summary.

15 THE COURT: And Mr. Mitchell, do you agree
16 with these terms as articulated by Mr. Sauget?

17 THE DEFENDANT: Yes, your Honor.

18 THE COURT: Except for the plea agreement
19 yourself, Mr. Mitchell, have any promises been made to
20 get you to plead guilty?

21 THE DEFENDANT: No, sir.

22 THE COURT: Anybody promise you leniency,
23 probation or any other specific sentence to get you to
24 plead guilty, again, apart from the plea agreement?

25 THE DEFENDANT: No, sir.

Plea hrg.

9/6/2007

19

1 THE COURT: Anybody try to force you to
2 plead guilty by any mistreatment or duress of any
3 kind?

4 THE DEFENDANT: No, sir.

5 THE COURT: Are you therefore pleading
6 guilty freely and voluntarily because in fact you are
7 guilty and it's your choice to plead guilty?

8 THE DEFENDANT: Yes, your Honor.

9 THE COURT: Would you tell us what you did
10 that makes you believe you're guilty? And here again,
11 Mr. Sauget, I think maybe between you and Mr. Chambers
12 you can ask the questions and get the testimony.

13 MR. SAUGET: Very well. Mr. Mitchell, in
14 late October of 1996, were you released from prison in
15 the Mich -- from the Michigan Department of
16 Corrections?

17 THE DEFENDANT: Yes, sir.

18 MR. SAUGET: After you were released in
19 approximately February or March of 1997, did you move
20 into a house located on Westphalia Street, which is
21 over on the east side of Detroit?

22 THE DEFENDANT: Yes, sir.

23 MR. SAUGET: Was that house owned by Raymond
24 Canty?

25 THE DEFENDANT: Yes, sir.

Plea hrg.

9/6/2007

20

1 MR. SAUGET: While residing at that
2 location, beginning in approximately February of 1997
3 through approximately the year 2000, did Mr. Canty
4 provide you with quantities of powdered cocaine?

5 THE DEFENDANT: Yes, sir.

6 MR. SAUGET: And did you take that powder
7 cocaine then and process it into crack cocaine?

8 THE DEFENDANT: Yes, sir.

9 MR. SAUGET: Later on, after you had
10 processed this into crack cocaine, did you then go out
11 and sell it to other people?

12 THE DEFENDANT: Yes, sir.

13 MR. SAUGET: For purposes of this record,
14 would you agree that while you were there, that
15 Mr. Canty provided you -- that you distributed more
16 than 50 grams but less than 150 grams of cocaine base
17 from the cocaine that had been provided to you by
18 Mr. Canty?

19 THE DEFENDANT: Yes, sir.

20 MR. SAUGET: Specifically, he provided you
21 perhaps a kilo or kilo and a half of cocaine over that
22 period of time; is that correct?

23 THE DEFENDANT: Yes, sir.

24 MR. SAUGET: Okay. Now, let's turn to --
25 excuse me, your Honor. For purposes of this record,

Plea hrg.

9/6/2007

1 the Government is satisfied with the factual basis as
2 to Count 1 of the second superseding indictment.

3 THE COURT: Is the Defendant so satisfied,
4 Mr. Chambers?

5 MR. CHAMBERS: Yes, likewise, we believe the
6 elements have been met.

7 THE COURT: Very well. Let's go to Count
8 7 -- or Count 6.

9 MR. SAUGET: Sir, in approximately 1994,
10 were you approached by Raymond Canty and did Mr. Canty
11 ask you to kill Deandre Dorsey, who was also known as
12 Deandre Howard?

13 THE DEFENDANT: Yes, sir.

14 MR. SAUGET: Okay. And did Mr. Canty
15 indicate to you that he would pay you \$10,000 to
16 kill -- the individual, by the way, you knew as Dre;
17 is that correct?

18 THE DEFENDANT: Correct.

19 MR. SAUGET: Did Mr. Canty offer to pay you
20 \$10,000 to do this?

21 THE DEFENDANT: Yes, sir.

22 MR. SAUGET: And were you aware of the fact
23 that Mr. Howard or Mr. Dorsey had previously robbed
24 Mr. Canty of approximately \$2,000?

25 THE DEFENDANT: Yes, sir.

Plea hrg.

9/6/2007

22

1 MR. SAUGET: On or about April the 16th of
2 1997, did you have an opportunity to go back and
3 discuss with Mr. Canty as to whether or not Mr. Canty
4 still wanted you to kill Dre or Deandre Dorsey?

5 THE DEFENDANT: Yes, sir.

6 MR. SAUGET: And did you have a further
7 discussion with regard to the \$10,000 that you would
8 be paid for this killing?

9 THE DEFENDANT: Yes, sir.

10 MR. SAUGET: Okay. After you had this
11 conversation, did you then go procure a 44 caliber
12 handgun?

13 THE DEFENDANT: Yes, sir.

14 MR. SAUGET: And did you go over where
15 Mr. Dorsey or Mr. Howard was living at the time?

16 THE DEFENDANT: Yes, sir.

17 MR. SAUGET: And did you shoot him three
18 times in the head with that 44 caliber handgun?

19 THE DEFENDANT: Yes, sir.

20 MR. SAUGET: And after you shot Mr. Dorsey
21 and killed him, did Mr. Canty then pay you anything
22 for the killing?

23 THE DEFENDANT: Yes, sir.

24 MR. SAUGET: How much did Mr. Canty pay you?

25 THE DEFENDANT: \$10,000.

Plea hrg.

9/6/2007

23

1 MR. SAUGET: And were you also aware of the
2 fact that Mr. Canty had also approached Butch Jones
3 for the purposes of killing Mr. Dorsey?

4 THE DEFENDANT: Yes, sir.

5 MR. SAUGET: And you found that out from
6 whom?

7 THE DEFENDANT: Canty.

8 MR. SAUGET: And the gun I believe that
9 Mr. Jones had had misfired; is that correct?

10 THE DEFENDANT: I believe so.

11 MR. SAUGET: And the killing of Mr. Deandre
12 Dorsey for \$10,000 that was paid to you by Mr. Raymond
13 Canty, did this occur in the Detroit, which is located
14 in the Eastern District of Michigan?

15 THE DEFENDANT: Yes, sir.

16 MR. SAUGET: The Government is satisfied
17 with the factual basis, your Honor.

18 THE COURT: And is the Defendant?

19 MR. CHAMBERS: Yes, your Honor.

20 THE COURT: Very well. Having heard then,
21 Mr. Mitchell, about your rights and the penalties
22 attached to pleading guilty, let me ask you again, do
23 you still wish to plead guilty to Counts 1 and 6?

24 THE DEFENDANT: Yes, your Honor.

25 THE COURT: Do you still ask me to accept

Plea hrg.

9/6/2007

1 your guilty pleas?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: All right. Counsel both
4 satisfied the Court's complied with all the provisions
5 of Rule 11 of the Federal Rules of Criminal Procedure,
6 Mr. Sauget?

7 MR. SAUGET: The Government is satisfied,
8 your Honor.

9 THE COURT: Mr. Chambers?

10 MR. CHAMBERS: Yes, your Honor.

11 THE COURT: Very well then. It's the
12 finding of the Court in the case of the United States
13 of America versus Eugene Mitchell that the Defendant
14 is fully competent and capable of entering an informed
15 plea of guilty; that the Defendant's pleas of guilty
16 are knowing and voluntary pleas; that the Defendant's
17 pleas are supported by the Defendant's own statement
18 of facts, which contains all of the essential elements
19 of the offenses charged in Counts 1 and 6.

20 The Defendant's pleas are therefore
21 accepted. The Defendant is now adjudged guilty of the
22 offenses charged in those counts. The Rule 11 Plea
23 Agreement is taken under advisement. The matter is
24 referred to the probation department for a presentence
25 report.

Plea hrg.

9/6/2007

25

1 You will be asked questions by the probation
2 department to help prepare that report. You're
3 entitled to have your lawyer present when you answer
4 those questions. I'm sure Mr. Chambers will be there
5 anyway, but I advise you that I think he should be
6 with you when you answer those questions.

7 When they get done, they'll prepare a
8 written presentence report, and that will come to you,
9 a copy of it will, through Mr. Chambers. You should
10 go over it carefully with him. If there's anything
11 that's wrong in that report, that's in error and
12 material -- and material here just means important --
13 or anything that's should be in there that isn't,
14 again, material -- that means important -- you should
15 call that to the attention of the Government and the
16 probation department. And if you all agree something
17 should be changed, I'm pretty sure it will be changed.
18 If you can't agree, it will have to come to me for
19 resolution. Do you understand that?

20 THE DEFENDANT: Yes, your Honor.

21 THE COURT: And do you understand that at
22 the time of sentencing, you'll have an opportunity to
23 address the Court prior to sentencing, and so will
24 Mr. Chambers, each of you will have a chance to talk
25 with Court; do you understand that?

Plea hrg.

9/6/2007

26

1 THE DEFENDANT: Yes, sir.

2 THE COURT: And finally, do you understand
3 at that if I don't accept the Rule 11 Plea Agreement
4 for any reason, that you'll have an opportunity to
5 withdraw your pleas of guilty?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Sentencing is scheduled to be
8 held in this court December 18, 2007 at 10:00 a.m.
9 That's 10:00 a.m., December 18, 2007 in this
10 courtroom. And Defendant is in custody and will be
11 remanded to the marshal service. Is there anything
12 further that the Government would like the record to
13 reflect, Mr. Sauget?

14 MR. SAUGET: No, your Honor.

15 THE COURT: Mr. Chambers, for the Defendant?

16 MR. CHAMBERS: Just one matter, your Honor.
17 I am currently in trial in Wayne County Circuit Court
18 on a multiple defendant case. I was able to get here
19 today. I know that the probation department always
20 wants to do the report quickly -- the interview within
21 ten days, and they'll come to the court. I just want
22 to at least advise the Court I will not be available
23 for the next three weeks for an interview, so it will
24 have to be done after that.

25 THE COURT: Do you understand,

Plea hrg.

9/6/2007

27

1 Miss Maidment, who is present in the courtroom?

2 MR. CHAMBERS: And I'll advise hem.

3 THE COURT: Would you please, Miss Maidment,
4 advise whoever is the assigned probation officer --
5 who would that be?

6 PROBATION OFFICER: It will be Miss Crova,
7 your Honor.

8 THE COURT: Miss Crova. All right. You can
9 talk to her, too.

10 MR. CHAMBERS: All right. Thank you very
11 much.

12 THE COURT: Anything further from either
13 side?

14 MR. SAUGET: No, your Honor.

15 THE COURT: Mr. Mitchell you take care of
16 yourself. You stay healthy, and you won't get in too
17 much trouble where you are right now. I guess you're
18 at Milan?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Okay. Well you stay healthy.
21 Take care of yourself. We'll see you in December.
22 Good luck to you.

23 (Proceedings concluded 5:04 p.m.)
24
25

Plea hrg.

9/6/2007

28

- - -

C E R T I F I C A T I O N

I, Andrea E. Wabeke, official court reporter for the United States District Court, Eastern District of Michigan, Southern Division, appointed pursuant to the provisions of Title 28, United States Code, Section 753, do hereby certify that the foregoing is a correct transcript of the proceedings in the above-entitled cause on the date hereinbefore set forth.

I do further certify that the foregoing transcript has been prepared by me or under my direction.

/s/Andrea E. Wabeke
Official Court Reporter
RMR, CRR, CSR

- - -